

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

(AS AMENDED)

BILL NO. 90-14

Introduced by Council Member Risacher

Legislative Day No. 90-10 Date April 3, 1990

**AN ACT** to repeal and reenact, with amendments, Section 4.051, Improvements, of Section IV, Requirements for the Subdivision or Development of Land, and to add new section 4.22, Construction Standards for Private Roads, to Section IV, Requirements for the Subdivision or Development of Land, of the Subdivision Regulations for Harford County, Maryland, as amended; to establish standards for private roads in certain subdivisions; to establish certain duties regarding construction, maintenance, and certification of private roads; and generally relating to responsibilities for private roads.

By the Council, April 3, 1990

Introduced, read first time, ordered posted and public hearing scheduled

on: May 8, 1990

at: 6:30 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on May 8, 1990, and concluded on, May 8, 1990

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland, That Section 4.051, Improvements, be, and it is hereby, repealed and reenacted, with amendments, and that Section 4.221, Construction Standards for Private Roads, be, and it is hereby, added to Section IV, Requirements for the Subdivision or Development of Land, all of the Subdivision Regulations for Harford County, Maryland, as amended, and all to read as follows:

Subdivision Regulations For Harford County, Maryland

Section IV. Requirements for the Subdivision or Development of Land.

4.051 Improvements.

(b) Construction of access road. Any new or existing road, right-of-way or access [way,] WAY leading from an existing County or State Road to the proposed project, and all internal roads, including stub roads, shall be constructed or improved to the prescribed width and road [construction, as set forth in the Subdivision Regulations of Harford County] CONSTRUCTION STANDARDS OF THESE REGULATIONS and the Harford County Road Construction Code. NOTWITHSTANDING THIS SUBSECTION, THE COUNTY MAY APPROVE THE CONSTRUCTION OR IMPROVEMENT OF A PRIVATE ROAD IN ACCORDANCE WITH SECTION 4.221 OF THESE REGULATIONS.

4.221 CONSTRUCTION STANDARDS FOR PRIVATE ROADS.

A. IN THIS SECTION:

(1) "DEVELOPER" MEANS A PERSON WHO FILES A RESIDENTIAL SUBDIVISION PLAT AND:

(a) CREATES A PRIVATE ROAD; OR

(b) EXTENDS A PRIVATE ROAD.

1           (2) "PRIVATE ROAD" MEANS A ROAD WITHIN A RESIDENTIAL  
2 SUBDIVISION WHERE OWNERSHIP OF THE ROAD IS CONVEYED TO THE  
3 SUBDIVISION'S RESIDENTS OR TO AN ENTITY COMPOSED OF RESIDENTS OF  
4 THE SUBDIVISION.

5           (3) "PRIVATE ROAD" DOES NOT INCLUDE A COMMON DRIVE  
6 CONSTRUCTED TO SERVE 2 OR MORE PANHANDLE LOTS IN ACCORDANCE WITH  
7 SECTION 267-22 OF THE HARFORD COUNTY CODE.

8           ~~(3)~~(4) "RESIDENTIAL SUBDIVISION" MEANS A SUBDIVISION  
9 CONSISTING PRIMARILY OF RESIDENTIAL USES.

10           B. THE DEVELOPER OF A RESIDENTIAL SUBDIVISION SHALL  
11 CONSTRUCT ALL PRIVATE ROADS IN THE SUBDIVISION TO THE FOLLOWING  
12 MINIMUM STANDARDS:

13           (1) A SURFACE COURSE OF 1 INCH OF BITUMINOUS CONCRETE,  
14 SF BAND;

15           (2) AN ASPHALT BASE COURSE OF 2 INCHES OF BITUMINOUS  
16 CONCRETE, SC, BI, OR BF BAND; AND

17           (3) A BASE COURSE OF ~~8~~ 6 INCHES OF CRUSHER RUN PLACED  
18 ~~IN TWO 4-INCH LAYERS.~~ RUN;

19           (4) A SUBGRADE THAT CONFORMS TO SECTION 300 OF THE  
20 HARFORD COUNTY ROAD CONSTRUCTION CODE; AND

21           (5) PAVEMENT WIDTH AND ROAD GEOMETRY THAT ALLOW SAFE  
22 TRAFFIC CIRCULATION AND ADEQUATE ACCESS FOR EMERGENCY VEHICLES, AS  
23 DETERMINED BY THE DEPARTMENT OF PLANNING AND ZONING DURING THE  
24 PRELIMINARY PLAN APPROVAL PROCESS.

25           ~~C. BEFORE CONVEYING A PRIVATE ROAD TO A RESIDENTIAL~~  
26 ~~SUBDIVISION'S RESIDENTS OR TO AN ENTITY COMPOSED OF ITS RESIDENTS,~~

1 ~~THE DEVELOPER SHALL OBTAIN A CERTIFICATION FROM A PROFESSIONAL~~  
2 ~~ENGINEER LICENSED BY THE STATE OF MARYLAND THAT THE PRIVATE ROAD~~  
3 ~~HAS BEEN CONSTRUCTED TO THE STANDARDS OF THIS SECTION. THE~~  
4 ~~DEVELOPER SHALL FURNISH A COPY OF THE CERTIFICATION TO THE~~  
5 ~~DEPARTMENT OF PUBLIC WORKS AND TO THE RESIDENTS OR THE ENTITY.~~

6 C. AFTER COMPLETING CONSTRUCTION OF THE PRIVATE ROAD, THE  
7 DEVELOPER OR ANY SUCCESSOR IN INTEREST TO THE DEVELOPER SHALL:

8 (1) OBTAIN A STATEMENT FROM A PROFESSIONAL ENGINEER  
9 LICENSED BY THE STATE OF MARYLAND THAT, BASED ON SITE INSPECTIONS  
10 OR CORE SAMPLES CONDUCTED OR OBTAINED BY THE ENGINEER, THE PRIVATE  
11 ROAD HAS BEEN CONSTRUCTED TO THE STANDARDS OF THIS SECTION; AND

12 (2) THE DEVELOPER OR SUCCESSOR HAS FURNISHED A COPY OF  
13 THE STATEMENT TO THE RESIDENTS OR THE ASSOCIATION AND TO THE  
14 DEPARTMENT OF PLANNING AND ZONING.

15 ~~D. UNTIL A COPY OF THE CERTIFICATION REQUIRED BY THIS~~  
16 ~~SECTION HAS BEEN FURNISHED TO THE DEPARTMENT OF PUBLIC WORKS, THE~~  
17 ~~DEVELOPER IS RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE ROAD.~~

18 D. IF NO ASSOCIATION OF THE SUBDIVISION'S RESIDENTS IS TO  
19 BE FORMED, THE DEVELOPER OR ANY SUCCESSOR IN INTEREST TO THE  
20 DEVELOPER SHALL, WITHIN 180 CALENDAR DAYS AFTER FINAL PLAT  
21 APPROVAL, FILE IN THE COUNTY LAND RECORDS A PRIVATE ROAD AGREEMENT:

22 (1) APPROVED BY THE DEPARTMENT OF PLANNING AND ZONING;  
23 AND

24 (2) ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE  
25 PRIVATE ROAD.

26 E. UNTIL A DEVELOPER WHO CREATES A PRIVATE ROAD COMPLIES

1 WITH THE REQUIREMENTS OF THIS SECTION, THE DEVELOPER OR ANY  
2 SUCCESSOR IN INTEREST TO THE DEVELOPER REMAINS RESPONSIBLE FOR  
3 MAINTENANCE OF THE PRIVATE ROAD.

4 Section 2. And Be It Further Enacted, That this Act does not  
5 apply to any project that receives preliminary plan approval before  
6 the effective date of this Act.

7 Section 2-3. And Be It Further Enacted, That this Act shall take  
8 effect 60 calendar days from the date it becomes law.

9 EFFECTIVE: August 20, 1990

90-14

(AS AMENDED)

BY THE COUNCIL

BILL NO. 90-14 (As Amended)

Read the third time.

Passed: LSD 90-19 (June 5, 1990)

Failed of Passage: \_\_\_\_\_

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive for his approval this 6th day of June, 1990 at 3:00 o'clock P.M.

Doris Poulsen, Secretary

BY THE EXECUTIVE

APPROVED:

COUNTY EXECUTIVE

Date 6-21-90

BY THE COUNCIL

This Bill, (No. 90-14 As Amended), having been approved by the Executive and returned to the Council, becomes law on June 21, 1990.

Doris Poulsen, Secretary

EFFECTIVE DATE: August 20, 1990

90-14  
(AS AMENDED)